

# IDAHO COLLECTION AGENCY ACT

## Foreign Permittee Collection Agency or Foreign Permittee Debt/Credit Counseling Agency

### PERMIT APPLICATION CHECKLIST

AGENCY \_\_\_\_\_

ADDRESS \_\_\_\_\_

Check blank when completed. Return this checklist with your application.

\_\_\_ **Application Form**

- \_\_\_ Location of principal office or place of business
- \_\_\_ Other names used (dba's, aka's, etc.)
- \_\_\_ Names of affiliates in this and all other states
- \_\_\_ List of principal officers, owners, partners, directors
- \_\_\_ Background Questions and details if needed

\_\_\_ **Application Fee (\$50.00)**

\_\_\_ **Consent to Service of Process and Examination of Accounts form**

\_\_\_ **Copy of Filing with Idaho Secretary of State ( 208 / 334 - 2300 )**

\_\_\_ **Articles of Incorporation/Organization/Agreement and Bylaws**

\_\_\_ List of the **names of all employees** who will contact Idaho debtors

\_\_\_ **Toll-Free telephone number** for complaints

\_\_\_ Submit the following sample **business forms**:

- \_\_\_ Contracts and disclosure forms for debtors
- \_\_\_ All materials used in collections and/or sent to debtors

\_\_\_ **Proof of Licensing and Bonding in states other than Idaho:**

- \_\_\_ Submit copy of ONE current, valid licenses held in a state other than Idaho
- \_\_\_ Submit copy of ONE current, valid bond held in a state other than Idaho

\_\_\_ **DEBT/CREDIT COUNSELORS: Submit a copy of your IRS 501C(3) determination**

**Checked for accuracy and completion by:**

Print name of applicant's representative: \_\_\_\_\_  
Print company name, if different: \_\_\_\_\_  
Print address, if different: \_\_\_\_\_  
Print Phone & Fax numbers: \_\_\_\_\_

No applicant for an Idaho Collection Agency permit will be denied a permit on the basis of race, religion, creed, sex, age, national origin or political belief.

#### CFB Office Use Only

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Examiner Approval & Date:

MARI (etc) Check & Date:

**Foreign Permittee Collection Agency or Foreign Permittee Debt/Credit Counseling Agency**

**Application for Permit**

1. Agency Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
Mail Address \_\_\_\_\_

Street	City	State	Zip	Phone	Fax
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2. Assumed Business Names which you intend to use in Idaho (attach copy of Idaho Secretary of State filing):  
\_\_\_\_\_  
\_\_\_\_\_
3. Principal place of business, if different from above.  
\_\_\_\_\_

Street	Mail Address	Phone	Fax
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4. If this is a corporation or LLC:
  - a. attach certified copy of Articles of Incorporation/Agreement/Organization. (Marked *Exhibit* \_\_\_\_\_).
  - b. Amendments to the Articles of Incorporation or Bylaws during the past year. (Marked *Exhibit* \_\_\_\_\_.)
  - c. List name and home address, date of birth and social security number of each and all officers and directors below. (Attach additional sheet, if necessary. (Marked *Exhibit* \_\_\_\_\_.)

President	Vice-President	Secretary	Treasurer	Director
Name	Home Address	DOB	SSN	
5. If a partnership/ sole proprietorship, list name(s), home address(es), date(s) of birth, & social security number(s):  
\_\_\_\_\_

Name	Home Address	DOB	SSN
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6. List all states in which your agency is currently licensed. Submit a copy of ONE current license/permit:  
\_\_\_\_\_
7. List all states in which your agency is currently bonded. Submit a copy of ONE current bond:  
\_\_\_\_\_
8. Names of all persons or organizations with which you are affiliated, the business names and locations of the principal offices or places of business for each.  
\_\_\_\_\_

Name	Address	Phone Number
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9. Complete description of the business to be conducted and the plan of operation contemplated (if you sell franchises or letter service or prorate accounts, please explain): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. Name of contact person for complaints: Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Toll-Free Number: \_\_\_\_\_
11. Copies of all forms, letters, telegrams, advertisements, and solicitations *Exhibit* (\_\_\_\_\_)

12. I (we) hereby certify that the foregoing statements and attached Exhibits are true and correct and such data contained therein is a part of the permanent records of the business of \_\_\_\_\_ and I (we) hereby further certify that there are attached to this application true and correct exhibits (in full) as required above, containing true copies of all literature, papers, advertising matters, instructions to agents, and contracts used in connection with the business of this agency, including circular form letters.
13. Applicant hereby stipulates as a condition precedent to issuance of permit and continuance of the same in good standing, that no literature or forms of contract not submitted with the application will be used, circulated or issued by applicant prior to the filing thereof in said Department.
14. **BACKGROUND INFORMATION.** Has the applicant, or any member or manager of the permittee, or any officer or manager of the applicant, within the past ten years:
- |   | YES   | NO    |
|---|-------|-------|
| (a) Been found by any court or federal or state regulatory agency to have violated any provision of the Idaho Collection Agency Act (Act)?  | _____ | _____ |
| (b) Been found by any court or federal or state regulatory agency to have violated any contract or agreement of a type mentioned in the Act?  | _____ | _____ |
| (c) Been found by any court or federal or state regulatory agency to have failed, refused, neglected, on demand, to pay or remit to any client the agreed portion of any sum collected by the permittee on any bill, claim, account or other indebtedness entrusted to the permittee for collection?  | _____ | _____ |
| (d) Been found by any court or federal or state regulatory agency to have failed to return to a debtor an amount that was not to be paid on his debts?  | _____ | _____ |
| (e) Been found by any court or federal or state regulatory agency to have misappropriated or converted to his own use or illegally withheld moneys collected or held for any other person?  | _____ | _____ |
| (f) Been convicted of, found guilty of, pled guilty to, or received a withheld judgment by a court for forgery, embezzlement, fraud, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or other like offense, any theft offense, a crime involving moral turpitude, or violating any provision of the Act or is currently disbarred from the practice of law in any state? | _____ | _____ |
| (g) Had a permit revoked, canceled, or denied in any state?   | _____ | _____ |
| (h) Does the applicant, or any member or manager or officer of the applicant owe outstanding, unpaid, delinquent and undisputed accounts or judgments?  | _____ | _____ |
| (i) If a "yes" answer is given for any of the following questions, provide the following details on a separate sheet: the organization and individuals involved, the title and date of any court or regulatory action, the court or regulatory agency in which the action was taken, and description of the action.   |       |       |

I certify that the information and documents provided on and with this form are true and correct:

Print name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

State of \_\_\_\_\_ )  
 ) ss  
 County of \_\_\_\_\_ )

SEAL

SUBSCRIBED AND SWORN to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

NOTARY  
SEAL

Notary Public For \_\_\_\_\_  
 Residing At \_\_\_\_\_  
 My Commission Expires \_\_\_\_\_

**GAVIN M. GEE**  
**DIRECTOR**

**STATE OF IDAHO**  
**DEPARTMENT OF FINANCE**  
**CONSUMER FINANCE BUREAU**  
**P O BOX 83720 - BOISE ID 83720-0031**  
**TELEPHONE: (208) 332-8061**  
**FAX: (208) 332-8099**



**IDAHO COLLECTION AGENCY ACT**  
**CONSENT TO SERVICE OF PROCESS AND CONSENT TO EXAMINATION OF ACCOUNTS**

**Idaho Code §26-2225(11) provides that every applicant for a collection agency permit shall execute an irrevocable consent to service appointing the Director of the Department of Finance (Director) and his successors in office to be attorney of the applicant to receive service of any lawful process in any civil suit, action, or proceeding against the applicant which arises under the Idaho Collection Agency Act (Act) or any rule or order under the Act.**

Idaho Code §26-2234(3) provides that every holder of an Idaho collection agency permit (“permittee”) shall execute to the Director an agreement of consent to examination of any and all bank accounts of the permittee providing the Director with authority to make such an examination at any time the Director, in his discretion, deems it to be in the public interest.

Pursuant to the requirements of these sections, the undersigned, \_\_\_\_\_

☐ Corporation      ☐ Partnership      ☐ Limited Liability Company      ☐ Individual,

whose address is \_\_\_\_\_

(street) (city) (state) (zip)

The permittee, organized and doing business under the laws of the State of \_\_\_\_\_ for the purpose of applying for or renewing a permit to operate an agency under the Idaho Collection Agency Act, appoints the Director to be the attorney to receive service of any lawful process in any civil suit, action, or proceeding against the permittee which arises under the Act or any rule or order under the Act, and consents to the examination by the Director or his designee, of any and all accounts maintained by or for the permittee at any bank, savings and loan association, credit union or other financial institution.

**Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_**

**Name**  
(Printed, of individual, corporation, partnership, or limited liability company)

**Title**  
**(Of corporate officer, partner, or manager of limited liability company)**

**Signature**  
(Of individual, corporate officer, partner, or manager of limited liability company)

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss:

SUBSCRIBED AND SWORN to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

**NOTARY  
SEAL**

**Notary Public For** \_\_\_\_\_  
**Residing At** \_\_\_\_\_  
**My Commission Expires** \_\_\_\_\_